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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2575 OF 2006

Hamid Shami Sha. ... Petitioner

Vs.

Divisional Commissioner, Konkan Bhavan & Ors. ... Respondents

Mr. Ganesh Bhujbal (appointed) for the petitioner.

Ms. A.S. Pai, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI & ANOOP V. MOHTA, JJ.

DATED : 22ND FEBRUARY, 2007.

P.C.:-

Heard the learned counsel for the petitioner. This petition is filed by the petitioner through jail for parole leave. The petitioner is convicted in two cases under the Narcotic Drugs and Psychotropic Substance Act, 1985. The learned A.P.P. states that the competent authority to grant parole is the State in cases where the prisoners are convicted by Courts situated outside the State of Maharashtra. The learned A.P.P. states that in one of the cases the petitioner is convicted by the Sessions Court, Ratlam, Madhya Pradesh. In support of her submission, the learned A.P.P. relied on Rule 18 of Chapter XXXVII of the Prison Manual, 1979. We find substance in this submission. Reliance placed on the said Rule is apt. Hence, it is not possible for us to

entertain this petition. The petitioner may, if he so desire, make an application to the concerned State Government. The petition is disposed of. Office is directed to communicate this order to the applicant in jail.

[SMT. RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]